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DATE FILED: 1-6-2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

-v.-

IRWIN LIPKIN,

Defendant.

:
: STIPULATION AND ORDER
:

:
: S10 10 CR. 228 (LTS)
:
-----x

WHEREAS, on or about November 8, 2012, IRWIN LIPKIN (the "defendant") was charged in a two-count Information, S9 10 CR. 228 (LTS) (the "Information"), with conspiracy to commit securities fraud, to falsify records of a broker-dealer, to falsify records of an investment adviser, to make false filings with the SEC, and to falsify statements in relation to documents required by ERISA, in violation of 18 U.S.C. § 371 (Count One); and falsifying statements in relation to documents required by ERISA, in violation of 18 U.S.C. §§ 1027 and 2 (Count Two);

WHEREAS, on or about August 5, 2015 a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the "Preliminary Order of Forfeiture") was entered forfeiting all right, title and interest of IRWIN LIPKIN (the "Defendant") in among other things, the following:

The remainder of the shares of stock in Fidelity Joint Investment Account No. 283-024899 (the "Fidelity Account") following the disbursement of the Released Stocks as set in the Schedule A to the Preliminary Order of Forfeiture (to

Carole Lipkin) and the Trustee Recovered Stocks (to the Bankruptcy Trustee) as set forth in Schedule B to the Preliminary Order of Forfeiture (the "Subject Property");

WHEREAS, on or about September 27, 2017, a Final Order of Forfeiture was entered forfeiting all right, title and interest in the Subject Property to the Government;

WHEREAS, following the entry of the Preliminary Order of Forfeiture, another portion of the Subject Property was liquidated by defendant and/or Carole Lipkin (the "Liquidated Shares");

WHEREAS, following the entry of the Preliminary Order of Forfeiture, the Subject Property another portion of the Subject Property was transferred out of the Fidelity Account (the "Transferred Shares") and into Charles Schwab account No. 8792-3215 (the "Schwab Account"); and

WHEREAS, Carole Lipkin has agreed to remit to the Government \$120,114.64, representing the value of the Liquidated Shares and the Transferred Shares;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney Louis Pellegrino, of counsel, and Carole Lipkin, by her counsel, Richard P. Galler, Esq., that:

1. Upon entry of this Stipulation and Order, Carole Lipkin agrees to wire \$120,114.64 to the Government via wire

instructions to be provided by the Government (the "Payment").

2. The Payment shall represent the entire outstanding value of the Liquidated Shares and Transferred Shares and shall satisfy any interest the Government maintains in the Liquidated Shares and Transferred Shares.

3. This Stipulation and Order constitutes the complete agreement between the parties hereto and may not be amended except by written consent thereof.

4. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order.

5. Each party shall bear its own costs and attorney's fees.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

6. This Stipulation and Order may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation. Signature pages may be by fax and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 

LOUIS PELLEGRINO, ESQ.
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2617

1/2/20
DATE

CAROLE LIPKIN

By: _____

CAROLE LIPKIN

DATE

By: _____

RICHARD P. GALLER, ESQ.
Attorney for CAROLE LIPKIN
Law Office of Richard P. Galler
Hackensack, New Jersey 07601

DATE

SO ORDERED:

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

DATE

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AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:

LOUIS PELLEGRINO, ESQ.
Assistant United States Attorney
One St. Andrew=s Plaza
New York, NY 10007
(212) 637-2617

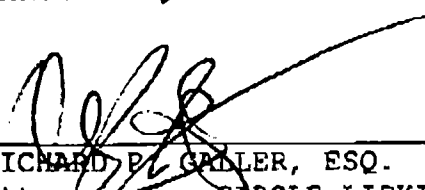
DATE

By: CAROLE LIPKIN


CAROLE LIPKIN

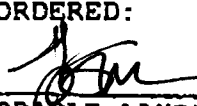
12/26/2019
DATE

By:


RICHARD P. GALLER, ESQ.
Attorney for CAROLE LIPKIN
Law Office of Richard P. Galler
Hackensack, New Jersey 07601

12-27-19
DATE

SO ORDERED:


HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

1/6/2020
DATE